

U.S. DISTRICT COURT  
WESTERN DISTRICT OF LOUISIANA  
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MAR 12 2007

ROBERT H. SHEMWELL, CLERK  
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SHREVEPORT

IN THE UNITED STATES DISTRICT COURT  
FOR THE WESTERN DISTRICT OF LOUISIANA  
SHREVEPORT DIVISION

U.S. DISTRICT COURT  
WESTERN DISTRICT  
OF LOUISIANA  
FILED

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ROBERT H. SHEMWELL  
CLERK

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Case No. 06-50164-01

UNITED STATES OF AMERICA, )  
)  
v. )  
)  
TOMMY K. CRYER, )  
)  
*Defendant.* )

**DEFENDANTS' REQUESTED VOIR DIRE**

The Defendant, Tommy Cryer, to enable him to intelligently exercise his peremptory challenges during the selection of the jury for this case, requests that during voir dire the court pose to the jury panel the following questions:

**A. Parties and Witnesses:**

1. The Plaintiff in this case, the United States of America, is represented here by lawyers from the U.S. Attorney's office here in Shreveport. Do any of you personally know, or are you socially acquainted with, have business relations with, or are you related by blood or marriage to any of the following named parties:

A. Donald Washington;

B. Earl Campbell;

C. Any of the other attorneys in the U.S. Attorney's office, office personnel or support staff;

D. Any investigators or other agents of that office?

2. The Internal Revenue Service is interested in this case and it has an agent who will be present in court during this trial. His name is Jimmy Sandefur. Are any of you related by blood or marriage to Mr. Sandefur or any member of his family? Do any of you have any business relationships with him, or do you know either him or members of his family, or are any of you socially acquainted with either him or him family?

3. Do any of you know, are you personally acquainted with, or do you have any other relationship with the following named people who will likely be witnesses testifying during this trial:

(a)(the witnesses to be called by the prosecution).

**B. Background:**

4. Where do each of you currently live and how long you have lived there?

5. Where do each of you work and how long have you worked there?

6. What is your marital status and do you have any children, and if so, how many?

Are your children minors or adults?

7. If you are married, does your spouse work and where?

8. Are any of you currently employed or have you been employed at any time in the past by the United States of America or any of its agencies, bureaus, departments or corporations? Do any of you have members of your family or close friends who are presently employed or have been so employed in the past by the United States of America, or any of its agencies, bureaus, departments or corporations?

9. Have any of you, either in the past or presently, been employed by any law enforcement agency, either state or federal? Do any of you have members of your immediate family or close friends who have been so employed in the past or presently?

10. Have any of you, or any members of your immediate family, relatives or close friends been employed by the I.R.S., F.B.I., C.I.A. or other intelligence gathering, federal organization?

**C. Relations with IRS:**

11. This case involves income taxes imposed by the United States of America. Have any of you, or any member of your immediate family, ever had any disputes with the Internal Revenue Service? Have any of you, or any member of your immediate family, ever had a tax lien filed against you by the I.R.S.? Have any of you, or any member of your immediate family, ever been a party to a tax case in the Tax Court, or a party, either plaintiff or defendant, in either a civil or criminal tax case?

12. Have any of you, or any member of your immediate family, ever been audited or otherwise investigated by the I.R.S.?

13. Are any of you employed by the I.R.S., or an agent of the I.R.S.?

14. Are any of you afraid of the I.R.S.? Do any of you harbor any fear that if you return not guilty verdicts in favor of the Defendant, the I.R.S. might retaliate against you? If so, would this fear or concern affect in any way your ability to be a fair and impartial juror?

15. There will be witnesses who will testify in this case who work for the I.R.S. or other state and federal agencies. Are there any of you who believe that government employees are more credible, believable and trustworthy than witnesses who do not work for government? Will any of you give more credence to the testimony of government witnesses simply because they work for the government than you will give to the testimony of private citizens?

**D. Prior Contact with Judicial System:**

16. Have any of you ever served as jurors in any civil or criminal case in either state or federal court, or even a grand jury? For those who have served as jurors in criminal cases, what verdicts did you render? For those who have served as jurors in criminal cases, is there anything you experienced in such cases which would cause you to be prejudiced against or antagonistic toward the defendants in this case? Can each of you be fair and impartial toward these defendants?

17. Have any of you, or any member of your immediate family, been a party, either plaintiff or defendant, in a civil or criminal case?

18. Have any of you ever been called to testify as a witness to any proceeding in court, either state or federal?

19. Have any of you been victimized by a crime? If, so, can you provide the circumstances? If you have been victimized by a crime, will that fact have any bearing upon your ability to sit as a juror in this case?

20. Have any of you, or members of your immediate family, ever been accused or charged with the commission of a crime? What were the circumstances regarding such accusations?

**E. Knowledge and Views of Tax Laws:**

21. Have any of you ever taken courses in school or through any other type of educational program that concerned either accounting or taxes? If so, what were those courses or programs?

22. Have any of you ever studied law generally or the federal income tax laws specifically? If so, under what circumstances?

23. Do any of you prepare your own income tax returns? Do any of you have others such as professionals prepare them for you? If you have some other party prepare your returns for you, why do you do this?

24. What are your views and beliefs regarding people who do not file income tax returns?

25. Of course, Mr. Cryer is charged in this case with willfully committing income tax crimes, and I anticipate that he will readily testify in this case and explain his actions. Do any of you believe that he is nonetheless guilty regardless of whatever explanation or reason he might offer for his conduct in this respect?

**F. Miscellaneous Personal Information:**

26. What are your hobbies?

27. What is your favorite television show?

28. What is your favorite book or what book did you last read? What newspaper do you regularly read?

29. Do any of you know, are you acquainted with or are you friends with any other member of the jury panel who is sitting here in this courtroom?

30. Are each of you registered voters?<sup>1</sup>

**G. Duties of Jurors:**

31. Have any of you heard anything about this case through the news media? If you have heard anything, can you lay aside anything you may have heard about this case through the media and base your decision solely upon the evidence presented during this trial?

32. The defendant in this case is the subject of the indictment rendered in this cause, which charges him with crimes related to income taxes. The indictment does not constitute evidence herein and is only a formal criminal charge, and at this stage of the trial, the defendant is clothed with the presumption of innocence. Do each of you understand this? Do any of you believe that from the mere fact that the defendant has been charged, he is guilty?

33. A criminal case is different from a civil case. In civil cases, the burden of proof of the complaining party, the plaintiff, is merely to prove his claim by a preponderance of the evidence. In criminal cases, the burden of proof is different, and the

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<sup>1</sup> This question concerns the general eligibility to be a juror under 28 U.S.C. §1863(b)(2).

prosecution's burden of proof is to establish the guilt of the defendant beyond a reasonable doubt. Do each of you understand this? Do any of you believe that the prosecution has a different burden of proof than beyond a reasonable doubt?

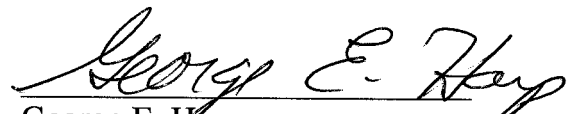
34. Do any of you have some handicap such as poor eyesight, difficulty in hearing, or some other physical illness or problem which might pose a problem for your sitting as a juror here?

35. Do any of you have pressing matters regarding your job, family or other obligations which would pose a problem for you sitting as a juror in this case?

36. Will any of you have to travel a long distance from your home to this courthouse if you are selected as a juror?

37. Do any of you have any particular reason, about which I will not inquire, which would cause you not to want to sit as a juror in this case?

Respectfully submitted this the 12th day of March, 2007.

  
George E. Harp

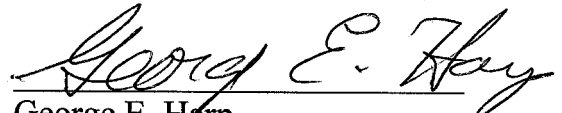
610 Marshall St., Ste. 619  
Shreveport, LA 71101  
(318)424-2003

Attorney for Tommy K. Cryer

CERTIFICATE OF SERVICE

I hereby certify that I have on this 12<sup>th</sup> day of March, 2007, I have served a copy of the foregoing requested voir dire by first class U. S. Mail, with sufficient postage affixed, to:

Earl Campbell  
U.S. Attorney's Office  
300 Fannin Street, St. 3201  
Shreveport, LA 71101

  
George E. Harp